



DAE
SPW

PATENT

Atty. Docket No: 203-4027 (2944)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Todd L. Demmy et al. EXAMINER: Ryan J. Severson

SERIAL NO.: 10/764,103 GROUP: 3731

FILED: January 23, 2004 DATED: January 25, 2007

FOR: **SURGICAL STAPLING DEVICE WITH DISSECTING TIP**

Mail Stop: Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM UNDER 35 U.S.C. § 119(e) FOR THE BENEFIT OF
A PRIOR-FILED PROVISIONAL APPLICATION**

Sir:

Applicants hereby petition the Director to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of provisional application No. 60/466,378 ("378 application") which was filed on April 29, 2003. The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

Included with this petition are *i*) an amendment including the reference to the '378 application as required by 35 U.S.C. § 119(e) and 37 C.F.R. § 1.78(a)(5) and *ii*) authorization to charge the deposit account no. 21-0550 for \$1,370.00 to cover the surcharge set forth in 37 C.F.R. § 1.17(t).

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 25, 2007.

Dated: January 25, 2007

Christopher G. Trainor

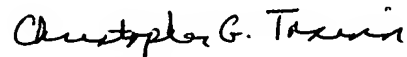
Christopher G. Trainor

01/30/2007 AWONDAF1 00000097 210550 10764103

01 FC:1454 1370.00 DA

Please charge the surcharge of \$1,370.00 set forth in 37 C.F.R. § 1.17(t) and any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

Respectfully submitted,



Christopher G. Trainor
Reg. No. 39,517
Attorney for Applicant(s)

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road - Suite 225
Melville, New York 11747
(631) 501-5700
(631) 501-3526 (fax)

Correspondence Address:

Chief Patent Counsel
United States Surgical, a Division
of Tyco Healthcare Group LP
195 McDermott Road
North Haven, Connecticut 06473